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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, )  
09 Plaintiff, ) CASE NO. CR11-107-MJP  
10 v. )  
11 DAVID WAYNE BOONE, ) SUMMARY REPORT OF U.S.  
12 Defendant. ) MAGISTRATE JUDGE AS TO  
ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE  
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14 An initial hearing on supervised release revocation in this case was scheduled before me  
15 on September 29, 2011. The United States was represented by AUSA Justin Arnold and the  
16 defendant by Paula Deutsch. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about June 4, 2007 by the Honorable Frank D.  
18 Whitney in the United States District Court for the Western District of North Carolina on a  
19 charge of Conspiracy to Defraud the United States and Fraudulent Tax Returns, and sentenced  
20 to 41 months custody and 36 months respectively, to run concurrently, and three years  
21 supervised release. The case was transferred to this Court on March 31, 2011 and assigned to  
22 the Honorable Marsha J. Pechman.

01           The conditions of supervised release included the standard conditions plus the  
02 requirements that defendant file yearly tax returns, pay all outstanding taxes, file amended tax  
03 returns for years 1998 to 2001, pay all tax penalties, and disclose all taxes owed by him and  
04 related matters to the IRS. (Dkt. 3 at 13.)

05           On July 20, 2011, the conditions of supervised release were modified to require  
06 defendant to participate in a home confinement program with GPS monitoring, for up to 120  
07 days. (Dkt. 11)

08           In an application dated September 2, 2011 (Dkt. 12 and 13), U.S. Probation Officer  
09 Brian K. Facklam alleged the following violation of the conditions of supervised release:

10           1.       Using marijuana on or before July 13, July 18, and August 2, 2011, in violation  
11 of standard condition 13 which directs that he refrain from the use of any controlled substance  
12 except as prescribed by a physician.

13           Defendant was advised in full as to those charges and as to his constitutional rights.

14           Defendant admitted violations and waived any evidentiary hearing as to whether they  
15 occurred. (Dkt. 15.)

16           I therefore recommend the Court find defendant violated his supervised release as  
17 alleged in violation one, and that the Court conduct a hearing limited to the issue of disposition.

18           The next hearing will be set before Judge Pechman.

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01 Pending a final determination by the Court, defendant has been released on supervision.

02 DATED this 29th day of September, 2011.

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05 Mary Alice Theiler  
06 United States Magistrate Judge

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08 cc: District Judge: Honorable Marsha J. Pechman  
09 AUSA: Justin Arnold  
10 Defendant's attorney: Paula Deutsch  
11 Probation officer: Brian J. Facklam  
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